

# **HENDRY COUNTY SHERIFF'S OFFICE**

## **CRIMINAL INVESTIGATIONS DIVISION**



Steve Whidden  
Sheriff

**Revision Date: September 7, 2018**

**Probationary Detective:**\_\_\_\_\_

**Date Issued:** \_\_\_\_\_

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## INTRODUCTION

The following schedule of training is for the Criminal Investigation Division of the Hendry County Sheriff's Office. This manual is to be used to train the Trainee entering the F.T.O program in CID.

The Standardized Training Schedule is a guideline for training. Its use should not limit the Trainee's exposure to field duty. If a situation covered by a Training Brief for the fourth week of Training arises in the second week, the F.T.O should not hesitate to locate the Training Brief and review it at the end of the situation.

The Standardized Training Schedule benefits the Trainee because it insures that certain training has been introduced, it documents training efforts, provides a format for review and helps to focus training time. The Trainee benefits from the opportunity to review the Training Briefs, a reference for verification and the framework for questions. This promotes self-study and allows the Trainee to read ahead to prepare for future training sessions.

The Trainee is required to possess his/her Standardized Training Manual at all times while on duty in the F.T.O Program. The Standardized Training Manual is department issued material and the Trainee is responsible for its maintenance. If the manual is lost, the Trainee will notify his/her F.T.O. and immediate supervisor immediately. Failure to maintain and return the manual to the F.T.O. coordinator when due, will result in disciplinary action.

## **STANDARDIZED TRAINING**

In order to maintain a certain level of uniformity, a concentrated effort must be made to standardize certain aspects of training that falls into a category of performance skills. This will enable a F.T.O. to pick up a Trainee at the second or fourth week and assume that a certain amount of training has already taken place.

The F.T.O. must be confident that the Trainee would have not passed into the next phase without proper testing and documentation of his/her performance level. If the Trainee needs extended training, the Trainee will be frozen in his/her current phase and extended training will be given at that time.

The F.T.O. should already be familiar with the geography of the entire area, with an emphasis on the use of the street guided and details county map.

Special emphasis should be placed on the Trainee's reading and comprehending the Florida Statutes.

The Trainee will be on F.T.O for a thirty (30) day cycle in which he/she will be on call for that month.

## **TYPES OF SITUATIONS**

These are situations which a F.T.O. may come across in his/her daily activities. Also, included will be how to file a warrant, use of D.A.V.I.D. and TLO, vehicle use and other miscellaneous situations. Use this page as a check list to ascertain that you have read every topic.

1. Burglaries
2. Subpoenas
3. Caseloads
4. Child Abuse/Elderly Abuse, etc.
5. Chain of Command
6. Jurisdictional Boundaries
7. Collecting Evidence
8. Court Orders
9. Confidential Informants
10. D.A.V.I.D. /TLO /Falcon
11. Department of Children and Families
12. Department Vehicle
13. Embezzlement
14. Forgery/Fraud
15. Death Investigations
16. Pawnshops/Scrap Metal Recyclers/Secondhand Dealers
17. Evidence Locker
18. Evidence Refrigerators
19. Homicide
20. Internet use
21. Internet Pornography
22. Investigation Follow Ups
23. Juveniles
24. Kidnapping/False Imprisonment
25. Lewd-Lascivious Acts
26. Medical Examiner's Office
27. Public Relations
28. Procedures to follow when visiting a hospital on a case
29. Robberies
30. Secret Service
31. Sexual Battery/Rape
32. Shootings
33. Stabbings
34. Support Staff Use
35. Teamwork
36. Traffic Stop for CID

- 37. Use of CSI
- 38. On Call and issued cell phones
- 39. Ops Plans
- 40. Vehicle Inspections
- 41. Warrants and Warrant Procedures

## **Hendry County Sheriff's Office**

### **TRAINING BRIEF**

**TOPIC: BURGLARIES**

**Number T1**

**RADIO CODE: SIGNAL 21**

**OBJECTIVE:** To instruct the Trainee on the various policies and procedures and methods used when responding to a burglary investigation.

**INSTRUCTION:** The following material shall be discussed with the Trainee to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures and methods used, when responding to a burglary investigation.

It is the responsibility of the senior supervisor or deputy on the scene to immediately after determining that a major crime has occurred, to make the proper notification. Notification shall be to the on-call Investigator through the Telecommunications Section. Upon arrival to the scene, the responding Investigator shall assume the responsibility for the investigation. The Investigator shall have the authority to request any and all assistance necessary from the uniform shift supervisor or senior deputy. For the most part, Road Patrol will handle most of the burglaries and conduct an investigation, but if the loss is considerable and/or is a high profile loss then the shift supervisor will notify the on-call Investigator as outlined above.

As the Investigator on the scene, you should and will determine the identity of the suspect or suspects, and affect an arrest if it can be accomplished either at the scene or through immediate pursuit. Obtain complete identification of all witnesses and determine what information is known by the victim and witnesses. Ascertain that the Crime Scene Log had been maintained and make certain that it is accurate. Accurately and completely record all pertinent information on the prescribed report forms.

All Major Crime investigations shall include in the case report, a listing of all relevant documentation including preliminary report, statements (victim, witness, perpetrator), rights, waivers, booking sheets, property receipts, photographs, and all other applicable and pertinent documentation. The listing will serve you, the Investigator, as an aid to ensure that critical areas of the investigation were not overlooked.

At this point, the Crime Scene Tech should be called out with the authorization of CID Captain or Lieutenant and/or their designee. If a Crime Scene Tech is not available, it is your responsibility to take photographs and secure evidence left by the perpetrator. This is why you have been issued latent print equipment, a digital camera and a digital voice recorder.

Remember your general investigative questions are who, what and where. Furthermore, an Investigator will ascertain that the time frame is placed in order of sequence so that the case will be fluent in court. Sample: Time and date of incident. Time and date discovered. Time and date reported.

**FORMS:**

1. Incident Offense Report
2. Arrest/Probable Cause Forms (as applicable)
3. Victim/Witness Information Form

**SUPERVISOR SECTION:**

1. Monitor the call closely.
2. Ensure that the Investigator follows proper procedures.

**REFERENCES:**

F.S.S. 810.02

812.13

812.14

Review Prima Evidence of Intent F.S.S. 810.07

***The Trainee acknowledges his/her thorough understanding and application of the instruction, Burglaries, Training Brief Number T1.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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# Hendry County Sheriff's Office

## TRAINING BRIEF

## TOPIC: SUBPOENAS

## Number T2

**OBJECTIVE:** To instruct the Trainee on the various types of Subpoenas and procedures to get them approved and the need for subpoenas as an investigation tool.

**INSTRUCTION:** The following material shall be discussed with the Trainee to ensure a complete understanding of the process to acquire an approved Subpoena from the State Attorney's Office.

A subpoena is a request for the production of documents or a request to appear in court or other legal proceeding. It is a court-ordered command that essentially requires you to do something, such as testify or present information that may help support the facts that are an issue in a pending case. The term “subpoena” literally means “under penalty.” A person who receives a subpoena and does not comply with its terms may be subject to civil or criminal penalties, such as fines, jail time or both. A subpoena is a written order requiring a witness to appear in court or for an individual or organization to provide documents, records, data, physical evidence or other information to the court.

A Subpoena Duces Tecum requires a person or organization to provide evidence, but does not require a personal appearance. A deposition subpoena requires you to testify in a deposition as part of the “discovery” phase of a trial.

Under state and federal civil or criminal procedural laws, subpoenas offer attorneys a chance to obtain information to help prove or disprove their client's case. Criminal attorneys, for example, often use subpoenas to obtain “witness” or lay opinion testimony from a third party that may lead to someone's guilt or innocence at trial.

**WHO MAY ISSUE A SUBPOENA:** In most instances, a subpoena can be issued and signed by an attorney on behalf of a court in which the attorney is authorized to practice law. If the subpoena is for a high-level government official (such as the Governor or agency head) then it must be signed by an administrative law judge. In some cases, a non-lawyer may issue a subpoena if acting on his/her own behalf (known as pro se representation).

**Other examples of subpoenas may include request for:**

1. DNA Samples
2. Computer Files and Downloaded Material (for example: a child pornography case)
3. Medical Bills & Insurance Records
4. Income Tax Returns (This would be acquired from the IRS when working a fraud case)
5. Photographs, Graphs
6. Employee Records

**Rule 1.410. Subpoena**

Subpoenas generally are for obtaining testimony before the court. Also, subpoenas are for production of tangible evidence and for taking depositions which may be issued by the clerk of court or by any attorney of record in an action.

### **Subpoena for Testimony before the Court**

Every subpoena for testimony before the court shall be issued by an attorney of record in an action or by the clerk under the seal of the court and shall state the name of the court and the title of the action and shall command each person to whom it is directed to attend and give testimony at a time and place specified. On oral request of an attorney or party and without prejudice, the clerk shall issue a subpoena for testimony before the court or a subpoena for the production of documentary evidence before the court signed and sealed but otherwise in blank, both as to the title of the action and the name of the person to whom it is directed, and the subpoena shall be filled in before service by the attorney or party.

### **For Production of Documentary Evidence**

A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein, but the court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable and oppressive, or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things. A party seeking production of evidence at trial which would be subject to a subpoena may compel such production by serving a notice to produce such evidence on an adverse party as provided in Rule 1.080 (b). Such notice shall have the same effect and be subject to the same limitations as a subpoena served on the party.

### **Service**

A subpoena may be served by any person authorized by law to serve process or by any other person who is not a party and who is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made as provided by law. Proof of such service shall be made by affidavit of the person making service if not served by an officer authorized by law to do so.

### **Subpoena for Taking Depositions**

Filing a notice to take a deposition as provided in Rule 1.310(b) or 1.320(a) with a certificate of service on it showing service on all parties to the action, constitutes an authorization for the issuance of subpoenas for the persons named or described in the notice by the clerk of the court in which the action is pending or by an attorney of record in the action. The subpoena may command the person to whom it is directed to

produce designated books, papers, documents, or tangible things that constitute or contain evidence relating to any of the matters within the scope of the examination permitted by Rule 1.280(b), but in that event the subpoena will be subject to the provisions of Rule 1.280 and subsection c of this rule. Within 10 days after service or on or before the time specified in the subpoena for compliance if the time is less than 10 days after service, the person to whom the subpoena is directed may serve written objection to inspection or copying of any of the designated materials. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials except pursuant to an order of the court from which the subpoena was issued. If objection has been made, the party serving the subpoena may move for an order at any time before or during the taking of the deposition upon notice to the deponent. A person may be required to attend an examination only in the county wherein the person resides, is employed, transacts business in person or at such other convenient place as may be fixed by an order of court.

### **Contempt**

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed in contempt of the court from where the subpoena was issued.

### **Depositions before Commissioners Appointed in this State by Courts of Other States, Subpoena Powers; etc.**

When any person authorized by the laws of Florida to administer oaths is appointed by a court of record of any other state, jurisdiction, or government as commissioner to take the testimony of any named witness within this state, that witness may be compelled to attend and testify before that commissioner by witness subpoena issued by the clerk of any circuit court at the instance of that commissioner or by other process or proceedings in the same manner as if that commissioner had been appointed by a court of this state; provided that no document or paper writing shall be compulsorily annexed as an exhibit to such deposition or otherwise permanently removed from the possession of the witness producing it, but in lieu thereof a photo static copy may be annexed to and transmitted with such executed commission to the court of issuance. Amended June 19, 1968, effective October 1, 1968; July 26, 1972, effective January 1, 1973; December 13, 1976, effective January 1, 1977; October 9, 1980, effective January 1, 1981; July 16, 1992, effective January 1, 1993; October 31, 1996, effective January 1, 1997.

### **SAMPLE SUBPOENA**

OFFICE OF THE STATE ATTORNEY, TWENTETH JUDICIAL CIRCUIT, FLORIDA  
LAW ENFORCEMENT REQUEST FOR SUBPOENA

By submitting this request to the Office of State Attorney you acknowledge you are a sworn law enforcement officer and the information requested is for an active criminal investigation. The issuance of a subpoena is at the sole discretion of the State Attorney.

### **Type of Subpoena Requested**

SUBPOENA DUCES TECUM (compels production of specific books papers, documents, or items relevant to facts in a pending judicial proceeding)

INSTANTER SUBPOENA (to provide a witness statement and/or records upon service)

SUBPOENA DUCES TECUM FOR MEDICAL RECORDS (medical information attachment required)

### **IT IS REQUESTED THE STATE OF FLORIDA ISSUE A SUBPOENA TO:**

1. Organization/Person's name
2. DOB
3. Gender
4. Race
5. SS#
6. Street address, city, state, zip code
7. Facsimile #

### **ON BEHALF OF:**

1. Requesting Officer
2. Agency
3. Agency Case Number
4. Street address, city, state, zip code
5. Office phone number
6. Cell phone number
7. Email address

### **INFORMATION BEING REQUESTED:**

1. Type of case
2. Why do you suspect the crime has occurred?
3. How does this information requested relate to the investigation?
4. Suspect(s): Enter Name(s)
5. Arrested: Choose Yes/No
6. Has there been an arrest in this case? Choose Yes/No
7. Enter name(s):

I swear or affirm that the information provided is true and complete to the best of my knowledge and that all costs related to this subpoena, if issued, will be paid by the requesting agency.

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(Notary/Sworn Law Enforcement)

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(Signature – Requesting Officer)

(Date)

### **PENALTIES:**

Because a subpoena is a court-ordered command, a person who fails to obey it is subject to civil or criminal contempt of court charges. Criminal contempt, which is usually intended as punishment, generally refers to disruptive conduct or disrespectful behavior at court. Criminal contempt can also include refusal to turn over documents or other data.

### **REFERENCES:**

F.S.S. 914

Rule 1.410

1.310(b)

1.320(a)

1.080(b)

1.280(b)

1.280(c)

***The Trainee acknowledges his/her thorough understanding and application of the instruction,  
Subpoenas, Training Brief Number T2.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

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## **Hendry County Sheriff's Office**

### **TRAINING BRIEF**

**TOPIC: CASELOAD**

**Number T3**

**OBJECTIVE:** The following material shall be discussed with the Trainee to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures and methods used when handling a caseload as an Investigator.

**Definition:**

A caseload is all the cases that an Investigator is assigned to and for which he/she is responsible. The Investigator deals with all the cases on a day to day basis and gives priorities to those that have the greatest importance. Doctors, lawyers, social workers and Criminal Investigators all have caseloads.

Each case will be reviewed by the Lieutenant or Captain or his/her designee, who will determine the appropriate priority based on the following schedule: All Priority 3 and above cases will be assigned for follow-up investigations. It should be noted and stressed that this schedule is NOT binding and that the



supervisor shall always have the prerogative of assigning a case for investigation whether or not it meets this guideline.

Each case is categorized by number.

### **PRIORITY 1:**

Major case, extensive destruction (example: roof or safe job), major ransacking, good suspect description, good vehicle description, including tags, witness to the incident, neighborhood concern, known perpetrator, modus operandi (MO) established, any substantial probability of arrest.

#### **1. RESPONSE:**

A. Immediate assignment to an Investigator with immediate response to the scene and personal contact with the victim. Utilize all resources available. Case Investigators will submit a report with all supplements to the supervisor for review within four (4) working days. The investigative results will be reviewed by the supervisor, returned to the Investigator for further follow-up, filed as inactive with all supplements and victim's contact information or it will be an arrest case. (Over 21 Solvability Points)

### **PRIORITY 2:**

Good latents, good suspect description, good vehicle description, property recovery.

#### **1. RESPONSE:**

A. A case assigned to an Investigator; victim personally contacted, with Investigative/Supplement Report attached; case file started, with all leads followed; second victim call-back with Investigative/Supplement Report attached within two (2) working days. Case file given to supervisor for review; at that time, the supervisor will either send the case file back for further follow-up or file inactive. (12 – 20 Solvability Points)

**PRIORITY 3:**

Weak or no suspect, questionable latents, vague description of suspect or vehicle.

1. RESPONSE:

A. A case assigned to an Investigator; victim contacted, with Investigative/Supplement Report. ALL priority 3 will become either a 3 or 4 depending upon the strength of the evidence or leads within two (2) working days. Case file given to supervisor for review. The supervisor will then re-prioritize the case to either a 1 or 3 and a second call will be made to the victim by the Investigator with Investigative/Supplement Report attached, filed inactive or sent back to the Investigator for additional follow-up. Follow-up may include additional interviews/interrogations. (12 – 20 Solvability Points)

***The Trainee acknowledges his/her thorough understanding and application on the instruction, Carrying a Caseload, Training Brief Number T3.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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**TOPIC: CHILD ABUSE, ELDERLY ABUSE**

**RADIO CODE: SIGNAL 56**

A person who knowingly or willfully abuses a child without causing great bodily harm, permanent disability or permanent disfigurement to the child commits a felony of the third degree.

The abuse hotline generates reports requiring investigative action under the following conditions:

- Standard Operating Procedure  
700.06  
Criminal Investigations Training Manual  
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1. Upon receiving an oral or written report of known or suspected child abuse, abandonment, neglect, or that a child in need of supervision and care who has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, the central abuse hotline shall immediately notify and determine if the report requires an immediate on-site protective investigation. For reports requiring an immediate on-site protective investigation, the central abuse hotline shall immediately notify the Florida Department Children and Families district staff responsible for protective investigations to ensure that an on-site investigation is promptly initiated. For reports not requiring an immediate on-site protective investigation, the Central Abuse Hotline shall notify the Department's district staff responsible for protective investigations in sufficient time to allow for an investigation. At the time of notification of district staff with respect to the report, the Central Abuse Hotline shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.
2. The Department shall immediately forward allegation of criminal conduct to the municipal or county law enforcement agency of the municipality or county in which the alleged conduct has occurred.

**As used in this subsection the term “criminal conduct” means:**

1. 1. A child is known or suspected to be the victim of child abuse, as defined in s.827.03, or of neglect of a child, as defined in s. 827.03.
2. A child is known or suspected to have died as a result of abuse or neglect.
3. A child is known or suspected to be the victim of sexual battery, as defined in s. 827.071, or of sexual abuse, as defined in s. 39.302.
4. A child is known or suspected to be the victim of sexual battery, as defined in s. 827.071 or of sexual abuse, as defined in s. 39.01.
5. A child is known or suspected to be the victim of human trafficking, as provided in s. 787.06.
6. 6. A child is known or suspected to be the victim of institutional child abuse or neglect, as defined in s. 39.01, as provided for in s.39.01 and provided for in s. 39.302(1).

Upon receiving a written report of an allegation of criminal conduct from the Department, the Hendry County Sheriff's Office CID shall review the information in the written report to determine whether a

criminal investigation is warranted. If the Hendry County Sheriff's Office accepts the case for criminal investigation, it shall coordinate its investigative activities with the Department, whenever feasible. If the Hendry County Sheriff's Office does not accept the case for criminal investigation, the agency shall notify the Department in writing.

## **INVESTIGATION:**

It is important to know that when dealing with a child you must follow special guidelines that are already establish. You will not conduct a full interview with the child. You will establish if a crime has been committed and then set up an appointment with the Children's Advocacy Center in Ft. Myers, Florida. Make certain that you have interviewed the complainant, the victim to an extent to establish that a crime has been committed, and other children in the home and/or witnesses.

Check for signs of physical abuse. Determine if there is a mental health issue which elevates the penalty. Make certain that there are no other children that are victims and if so then each child needs be set up for an appointment with the Children's Advocacy Center.

Observe to see if there is enough food in the home, necessary clothing and if it is applicable, see if medical treatment has been given. Is the home clean? These are all indicators and must not be overlooked. Remember that you are a mandated reporter.

If circumstances are such that you need to make contact with the immediate supervisor (Lieutenant) and if this need arises and it is determined that the child's welfare is in jeopardy and needs to be taken in protective custody then the Florida Department of Children and Families will be contacted and they will take the child into protective custody. It is essential that the name of the Protective Investigators are known for report purposes.

You will determine if there was a crime scene that was not secured by Road Patrol to determine if there is evidence that should be taken into the chain of custody.

Whenever possible a digitally recorded taped statement is a great resource to use and photos are an absolute necessity.

## **FORMS:**

1. Incident Offense Report
2. Arrest/Probable Cause Forms (as applicable)
3. Victim/Witness Information Form

## **SUPERVISOR SECTION:**

1. Monitor the call closely.
2. Ensure that the Investigator follows proper procedures.

## **Florida Abuse Hotline**

As described in Chapters 39 and 415, Florida Statutes, the Florida Department of Children & Families is charged with providing comprehensive protective services for children who are abused, neglected or at threat of harm and vulnerable adults who are abuse, neglected or exploited in the state by requiring that reports of abuse, neglect, threatened harm, or exploitation be made to the Florida Abuse Hotline. The Hendry County Sheriff's Office CID is to take the lead in all criminal investigations and prosecution.

**Child** - any born, unmarried person less than 18 years old who has not been emancipated by order of the court.

**Vulnerable Adult** - a person age 18 years or older who has a disability or is suffering from the infirmities of aging.

A. The Florida Abuse Hotline will accept a report when:

1. There is reasonable cause to suspect that a child has been abused.
2. Who can be located in Florida or is temporarily out of the state but expected to return in the immediate future.
3. Has been harmed or is believed to be threatened with harm
4. from a person responsible for the care of the child

**OR**

1. Any vulnerable adult who is a resident of Florida or currently located in Florida, or
2. Who is believed to have been abused or neglected by a caregiver in Florida, or
3. Suffering from the ill effects of neglect by self and is need of service, or

4. Exploited by any person who stands in a position of trust or confidence, or any person who knows or should know that a vulnerable adult lacks capacity to consent and who obtains, uses, or endeavors to obtain or use, their funds, assets and/or property.

B. Definition of Caretaker Responsible (Child): Every child should expect to be safe and protected when in the care of:

1. A PARENT, even if the parent is a minor; or
2. A LEGAL CUSTODIAN; or
3. An ADULT HOUSEHOLD MEMBER found in the home continually or at regular intervals; or
4. ANOTHER ADULT who has been entrusted with, or voluntarily assumed responsibility for the care of the child; or
5. ANOTHER CHILD who is an employee or volunteer of a daycare, public or private school, agency, summer camp or similar facility when given sole responsibility for the care of the child.

C. Definition of Possible Responsible Person (Vulnerable Adult):

1. A CAREGIVER to the victim, or
2. A VULNERABLE ADULT in need of services, or
3. A PERSON who stands in a position of trust and confidence, or
4. A PERSON who knows or should know that the vulnerable adult lacks capacity to consent.

### **Interviews of Children in Sexual/ Child Abuse /Neglect Cases**

Upon receiving notification of complaint from the Florida Department of Children and Families (Florida Protective Services Section), Child Protection Team, the HCSO Uniform Patrol Division or Personnel assigned to CID will adhere to the following procedures:

1. Upon receiving a report of a sexual battery, physical abuse or neglect of a child, the CID supervisor will assign the case to an Investigator.
2. The assigned Investigator will review the preliminary information and determine if a forensic interview is necessary.
3. If a forensic interview is necessary the assigned Investigator will make a referral to the Child Protection Team (CPT).
4. The assigned Investigator should be present at CPT when the forensic interview takes place.
5. The assigned Investigator will contact the complainant, any and all witnesses and the suspect, if possible.
6. The investigation is complete after all follow up leads, statements and evidence has been exhausted.
7. If probable cause is developed, a booking sheet will be completed. If the perpetrator has left the area, a warrant request shall be completed.

8. Upon completion of the investigation, copies of all documents and statements will be placed in a case report. The case report will be submitted to the CID Lieutenant, Captain and/or their designee for review.
9. Arrest and warrant request case report will be sent to the State Attorney's Office.

## **Sexual Violence Investigations Procedure**

1. **Communications Response:** When a call is received by the HCSO Telecommunications Section, the call taker will capture information relating to the crime or incident being reported. In sexual violence investigations, the following should be ascertained:
  - A. Complainants name, address, home phone, work phone, (when applicable - a cellular phone) location and phone number from which they are calling. All this information should be in the Telecommunications Section. You, as the Investigator, will retrieve that information.

## **Road Patrol Division Response**

When a sexual violence call is received by a Road Patrol Deputy, he/she will establish if emergency medical treatment is necessary. The deputy will determine if elements of a crime exist. The deputy will immediately make contact with their Shift Supervisor. The patrol deputy is responsible for the preliminary report and all demographic information. The patrol deputy is also responsible for the integrity of the crime scene if one is available.

Make certain that you as the Investigator have gathered information on parents/guardian. Evidence, if available, must be collected along with, written statements and desire to prosecute forms. This can be done by the deputy but you must ascertain that all information and evidence has been collected. There is no room for errors. Each case is evaluated on an individual basis. Expedient collection of evidence is necessary if an offense occurred within a reasonable amount of time of the victim filing a report,. When at a location where the victim can grant permission or at the execution of a search warrant, a crime scene technician should be summoned to process property and document the scene by sketching, photographing, collecting and preserving evidence. Please note that when an offense has occurred over a seventy- two (72) hour period, no scene located or is out of HCSO jurisdiction, a crime scene technician will not be



requested. FDLE is utilized when requests are made for analysis of the evidence for DNA related to victim's evidence and /or for a comparison of victim and suspect evidence for DNA.

**Interviews with Juveniles**

Interviews shall be conducted in a setting and manner intended to minimize the traumatic effects of the interview. The interview should be conducted by the Child Protection Team. You may interview the child to establish that a crime has been committed but only in a limited manner. The Investigator will obtain sworn statements from all persons corroborating victim's initial disclosure.

**REFERENCES:**

F.S.S. 825 Abuse, Neglect and Exploitation of Elderly Persons and Disabled Adults

F.S.S. 827 Abuse, Aggravated Abuse and Neglect of a Child

***The Trainee acknowledges his/her thorough understanding and application of the instruction, Child Abuse, Elderly Abuse, Training Brief Number T4.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee:\_\_\_\_\_ ID:\_\_\_\_\_Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID:\_\_\_\_\_Date: \_\_\_\_\_

Comments by F.T.O.

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## **Hendry County Sheriff's Office**

## TRAINING BRIEF

**TOPIC: CHAIN OF COMMAND**

**Number T5**

**OBJECTIVE:** The following material shall be discussed with the Trainee to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures and methods used when complying with the Chain of Command.

The order in which authority and power in an organization is wielded and delegated from top management to every employee at every level of the organization. Instructions flow downward through the Chain of Command and accountability flows upward. According to its proponent Henri Fayol (1841-1925) the more clear cut the Chain of Command, the more effective the decision making process and greater the efficiency. Military Forces are an example of straight Chain of Command that extends in an unbroken line from the brass to ranks. Also called Line of Command.

As an Investigator, you will follow the Chain of Command and keep your immediate supervisor informed as to your caseload and any progress you have made during the investigation. The Lieutenant will keep the Captain informed as to any significant changes in a case and this depends on the importance of the case.

***The Trainee acknowledges his/her thorough understanding and application on the instruction, Chain of Command, Training Brief Number T5.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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## **Hendry County Sheriff's Office**

## TRAINING BRIEF

**TOPIC: JURISDICTIONAL BOUNDARIES**

**Number T6**

**OBJECTIVE:** The following material shall be discussed with the Trainee to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures and importance of cooperating with other law enforcement agency and counties.

### **Cooperation with other Counties**

Agency personnel shall be aware of the jurisdictional boundaries of this agency as shown in SOP 110.01. Supervisors in both Patrol and Investigations shall know other agencies and the terms of mutual aid agreements, as outlined in the Standard Operating Procedure, and the available services from those agencies.

*The Trainee acknowledges his/her thorough understanding and application on the instruction,  
Jurisdictional Boundaries, Training Brief Number T6.*

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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## **Hendry County Sheriff's Office**

## **TRAINING BRIEF**

### **TOPIC: COLLECTING EVIDENCE**

**Number T7**

**OBJECTIVE:** The following material shall be discussed with the Trainee Investigator to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures, and methods when collecting evidence.

**Chain of Custody:** The physical handling of property or evidence, and the written record of the continuity of custody of items collected as physical evidence, whether at the crime scene or elsewhere. The connotation under the law is that the items introduced into court at the time of trial must be proven to be the same as initially obtained from the crime scene.

1. The chain of custody begins when an item of evidence is collected, and the chain of custody is maintained until final disposition of evidence. Chain of custody is a continuous accountability for evidence/property. If chain of custody of a particular item is not properly maintained and documented, there is a threat that the item may be inadmissible in court.
2. Each individual in the chain of custody shall be held responsible for ensuring that integrity and control of evidentiary property is not jeopardized. Each individual in the chain of custody shall notate their name ID number, date and time received and the reason for having custody of the property. The case Investigator is responsible for the collection, accountability, transportation, evaluation and disposition of evidence.

### **Temporary Evidence Lockers**

Temporary evidence lockers shall be available to secure items of evidentiary value at the West District, the East District and the Annex in Port Labelle.

### **Storage of High Security Items**

High security items such as money, precious metals, jewelry, gemstones, weapons, narcotics and dangerous drugs shall be stored in a separate locker area in the Evidence Room so the Investigator must turn over the

property immediately or as soon as possible. Impounded money shall be packaged separately from other items. The contents of the package shall be entered on the line "Quantity" and also written on the exterior of the evidence package. When money is impounded, the impounding Investigator and a witness shall complete all seizure and documentation. Denominations shall be listed separately on the Property Receipt. Amounts of five hundred dollars (\$500) and above must be taken to the Sheriff's Office, Main Office in Labelle, where an Evidence Technician shall be called and the item secured within the vault/safe of the Evidence Room. The final count shall be in the presence of the Evidence Technician, the item sealed and deposited. Amounts less than \$500 will still be witnessed by another Deputy or Investigator, packaged and deposited into the temporary evidence lockers, if after normal business hours.

### **Jewelry/Precious Metals and Stones**

Impounded jewelry shall be packaged separate from other items. The contents of the package shall be written on the exterior of the packaging material. Example: "Quantity" jewelry. When jewelry, precious metals, or stones are impounded, the Investigator shall identify the items generically in the incident report using terms such as yellow or silver colored metal, etc., or blue, red, or clear stone, etc. Precious metals or stones valued at one thousand dollars (\$1,000.00) or more shall be placed into the vault/safe at the Evidence Room, not at the district evidence lockers.

### **Controlled Substances and other Drugs**

When seizing controlled substances, including substances represented as a controlled substance, or any other drugs or medicines: Weigh all substances, using a certified scale, in their original container (i.e. plastic bag, bottle, etc.)

Pills, capsules, and tablets shall be weighed and counted, unless the amount creates an unreasonable task for counting the pills. If the pills are officially sealed in tamper-proof protective packaging (such as blister packs or a sealed bottle from the manufacturer) they may be weighed only.



In the event that other items, i.e., drug paraphernalia are submitted as evidence along with drugs, the suspected drugs are to be weighed and packaged separately from the other items. Different types of drugs shall be packaged separately from each other.

Drugs shall be packaged in a standard plastic/zip-lock baggie whenever practical and/or possible and properly sealed. The Investigator who packages the property shall initial and date the evidence package seal.

All applicable information will be written legibly on the Property Receipt. Please note that test kits shall not be entered into evidence.

Anytime it becomes necessary to break an evidence seal, the Investigator breaking the seal shall complete a supplement to the original report recording the date, time and reason for opening the package.

### **Prescription Medication**

Prescription medications belonging to the victim in a natural death investigation shall be impounded for safekeeping if no other responsible family member or health care personnel are present. The medication shall be listed separately and counted. If prescription medications are retained by the Hendry County Sheriff's Office, any person requesting the release of the prescription medication shall be required to present the Sheriff's Office with a court order authorizing the release of the medication.

### **Sexual Battery Examination Form**

The Sexual Battery Examination Form that a nurse examiner completes after a sexual battery examination shall not be scanned into Case Management, but treated as evidence and secured in the Evidence Unit.

***The Trainee acknowledges his/her thorough understanding and application on the instruction,  
Collecting Evidence, Training Brief Number T7.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.



# Hendry County Sheriff's Office

## TRAINING BRIEF

### TOPIC: COURT ORDERS

Number T8

**OBJECTIVE:** The following material shall be discussed with the Trainee to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures, and methods used, when handling Court Orders or seeking a judge to sign the order.

#### **Court Orders**

A court order is an official proclamation by a judge or panel of judges that defines the legal relationships between the parties to a hearing, trial, an appeal or other court proceeding. Such ruling requires or authorizes the carrying out of certain steps by one or more parties to a case. A court order must be signed by a judge; some jurisdictions may require it to be notarized.

The content and provisions of a court order depends on the type of proceeding, the phase of the proceeding in which it is used, and the procedural and evidentiary rules that govern the proceeding.

An order can be as simple as setting a date for trial or as complex as reconstructing contractual relationships by and between many corporations in a multi-jurisdictional dispute. It may be a final order and one that concludes the court action.

#### **Ex Parte Orders**

Ex Parte Orders for involuntary examination, hereafter referred as "Orders" are issued by the clerk of the court, pursuant to Chapter 394.463 Florida Statute and are signed by a circuit court judge.

The order states that there is reason to believe that the person named in the order is mentally ill and because of the mental illness, is a threat to himself or others. The order instructs a Law Enforcement Officer to take the person named in the order into custody and deliver or arrange for the delivery of said person to a

receiving facility. The receiving facility is ordered to examine the person and file a written report with the court within five (5) days after examination.

In summary, an Ex Parte Order refers to a situation in which only one party (and not the adversary) appears before a judge. Such meetings are often forbidden. Although a judge is normally required to meet with all parties in a case and not with just one, there are circumstances where this rule does not apply and the judge is allowed to meet with just one side (ex parte) such as where a plaintiff requests an order (say to extend time for service of a summons) or dismissal before the answer or appearance of the defendant(s).

In addition, sometimes judges will issue temporary orders ex parte (that is, based on one party's request without hearing from the other side) when time is limited or it would do no apparent good to hear the other side of the dispute.

#### **REFERENCE:**

F.S.S. 394.463

***The Trainee acknowledges his/her thorough understanding and application on the instruction, Court Orders, Training Brief Number T8.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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# Hendry County Sheriff's Office

## TRAINING BRIEF

### TOPIC: CONFIDENTIAL INFORMANTS

Number T9

**OBJECTIVE:** The following material shall be discussed with the Trainee to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures, when using a Confidential Informant. The use of Confidential Informants as part of a criminal investigation or to obtain intelligence information is an accepted law enforcement tactic. However, personnel should institute prudent procedures in utilizing informants to insure the professional standards of the Hendry County Sheriff's Office are maintained.

### PROCEDURES:

#### Development of Informants:

1. When an Investigator effects an arrest, the arrested should be interviewed concerning his/her knowledge or involvement in other criminal activity.
2. Investigators should review booking sheets to determine if they are familiar with persons arrested, and interview these persons for possible information concerning his/her knowledge or involvements in other criminal activity.
3. Investigators should maintain lines of communications with patrol personnel assigned to their areas for possible leads in identifying potential informants.
4. Investigators should periodically contact inactive informants to cultivate additional information.
5. Investigators in an undercover capacity should attempt to covertly solicit information from criminals.
6. Investigators should use legal and prudent means to develop informant sources.
7. Additional areas for development of Confidential Informants:
  - A. Apartment complex managers
  - B. Airport employees
  - C. Other law enforcement agencies
  - D. Business owners
  - E. Letters from citizens
  - F. Neighbors of known criminals
  - G. Neighborhood Watch Associations

#### Procedures for Activating an Informant:

1. Obtain a "Confidential Source Packet" (Appendix-51) from CID Lieutenant or Captain and/or their designee and complete the required information.
2. After obtaining the required information, run a criminal history to be attached to the source packet. Subjects with prior violent criminal records shall not be used as Confidential Informants unless special needs exist. The Captain shall approve the use of the subject.
3. Obtain a current photograph of the informant to be placed in the source packet. After completing the source packet, it will then be forwarded to CID Lieutenant or if it is Narcotic related to the Captain. The packet shall be reviewed for completeness. Once approved, a Confidential Informant number, sequentially maintained on the "Confidential Source Log" (APPENDIX-52) shall be assigned to the informant.
4. This number shall remain with the informant the entire time that they are being utilized with the Hendry County Sheriff's Office. The number shall not be reassigned. The number shall be in the form, "11-000." ("11W" representing the year the informant began and District Office (W-LaBelle/E-Clewiston) and "000" the sequential number assigned by CID's Lieutenant from the informant log file.
5. Insure that the Sheriff's Office has a complete/legible set of fingerprints on file.
6. The completed "Confidential Source Packet" shall be kept locked and under the control of the CID Lieutenant or his/her designated representative to be responsible for the maintenance of the confidential information files.

#### General rules for using a Confidential Informant:

1. All meetings with the Confidential Informant are to be documented on a Confidential Informant meeting log, which shall be maintained in the Confidential Informant file. (Appendix-51).
2. Telephone contacts with the Confidential Informant are to be documented on a Confidential Informant meeting log, which shall be maintained in the Confidential Informant file. (Appendix-51).
3. Two Investigators shall meet with the Confidential Informant unless exigent circumstances prohibit otherwise.
4. All monies received by the Confidential Informant shall be documented in accordance with set procedures on a Confidential Informant Expense Log. (Appendix-53) A receipt signed by the Confidential Informant showing the amount paid, date, the Investigator's name and PDI and the case number, obtained and kept in the Confidential Informant's file.

5. The Confidential Informant's assigned confidential Informant number is to be used in all reports, memorandums, correspondence, search warrants, and wire intercept affidavits in place of the name.
6. Any Confidential Informant that intentionally commits a criminal offense, violates set rules, regulation, procedures and/or agreements, shall immediately be terminated from use as a Confidential Informant with the Hendry County Sheriff's Office.
7. The use of juvenile informants is prohibited unless the juvenile's custodian, parents, court, HRS, DOJJ or foster parents and CID Lieutenant or Captain and/or their designee grants permission.
8. If permission is granted to utilize a juvenile informant, extreme caution shall be used to avoid exposing the juvenile to dangerous situations.

**Identify Protection of Informants:**

1. The Confidential Informant number shall be used in place of the informant's name on all reports and correspondence.
2. Use the confidential number rather than the name when talking to other personnel.
3. The informant shall remain confidential unless the informant gives up his/her right for confidentiality or the Investigator is directed by proper authority to reveal the identity.
4. The Chief Deputy and Captain shall be notified if it becomes necessary to reveal the identity of the informant.
5. A cooperating witness may be assigned a Confidential Informant number and file with the understanding that the witness shall be disclosed at the time of prosecution.

**This Standard Operating Procedure:**

1. Pertains to only Confidential Informants
2. Does not apply to testifying co-defendants
3. Does not apply to routine witnesses of crimes

***The Trainee acknowledges his/her thorough understanding and application on the instruction, Confidential Informant, Training Brief Number T9.***

Trainee: Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_



Comments by F.T.O.

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## **Hendry County Sheriff's Office**

### **TRAINING BRIEF**

**TOPIC: RACHEL'S LAW**

**Number T9A**

**OBJECTIVE:** To have an understanding of Rachel's Law and how it applies to agency informants.

Rachel's Law requires law enforcement agencies to disclose certain information to persons requested to be informants; requires law enforcement agencies to provide opportunity to consult with legal counsel to person requested to serve as an informant; requires training for persons involved in recruitment and use of informants; requires an agency to adopt policies and procedures to preserve safety of informants, law enforcement personnel, target offenders and the public; requires an agency that uses confidential informants to address recruitment, control and use of informants in its policies and procedures; requires an agency to establish policies and procedures to assess suitability of potential informants; requires an agency to establish procedures to maintain security of records relating to informants; requires an agency to periodically review informant practices; provides that act does not grant any right or entitlement to the informant or person who is requested to be an informant; provides that any failure to abide by act does not create any additional right enforceable by the defendant in a criminal proceeding.

#### **FORMS:**

1. Confidential Source Packet

#### **SUPERVISOR SECTION:**

Assure proper approval for each informant. Assure that all proper procedures are followed as it pertains to informants.

#### **REFERENCES:**

Legislative Bill Number CS/CS/HB 271

***The Trainee acknowledges his/her thorough understanding and application on the instruction, Rachel's Law, Training Brief Number T9A.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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## **Hendry County Sheriff's Office**

### **TRAINING BRIEF**

**TOPIC: D.A.V.I.D. / TLO/FALCON**

**Number T10**

**OBJECTIVE:**

The following material shall be discussed with the Trainee or to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures and methods related to the use of D.A.V.I.D. / TLO/FALCON.

Absolute confidentiality must be used when using such investigation tools and some may require a log kept to ascertain that information obtained is strictly of law enforcement purposes only. A violation could result in an internal affairs investigation or even an investigation conducted by FDLE.

***The Trainee acknowledges his/her thorough understanding and application on the instruction,  
D.A.V.I.D./TLO/FALCON Training Brief Number, T10.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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## **Hendry County Sheriff's Office**

### **TRAINING BRIEF**

**TOPIC: DEPARTMENT OF CHILDREN AND FAMILIES**

**Number T11**

**OBJECTIVE:** The following material shall be discussed with the Trainee to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures and methods used when dealing with the Florida Department of Children and Families.

More than one million children are victims of child abuse and neglect each year, according to state child protective service agencies. Many victims don't receive help because they are not reported to the system. These abused and neglected children span all ages, races, religions and social-economic backgrounds. Child maltreatment include actions that result in imminent risk of serious harm, death, serious physical or emotional harm, sexual abuse or exploitation of a child under age 18 by a parent or caretaker.

When parents can't, don't, or won't protect their children, the Florida Department of Children & Families steps in to help by providing a full spectrum of services from parenting classes and respite care to transportation and child care. The goal of the Department is to keep children safe with their own families, when possible.

The Florida Abuse Hotline serves as the central reporting center for allegations of abuse, neglect, and/or exploitation for all children and vulnerable adults in Florida.

The Hotline assesses the information provided by the caller and determines if the information provided meets statutory criteria for the Florida Department of Children and Families to conduct an investigation. The Trainee acknowledges his/her thorough understanding and application on the instruction, Florida Department of Children and Families, Training Brief Number T11. Trainee: Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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## **Hendry County Sheriff's Office**

### **TRAINING BRIEF**

**TOPIC: DEPARTMENT VEHICLES**

**Number T12**

## USE OF SHERIFF'S OFFICE VEHICLES

**OBJECTIVE:** The following material shall be discussed with the Trainee to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures and methods which pertain to the use of Sheriff's Office Vehicles.

The following guidelines shall be adhered to in the use and operation of Sheriff's Office vehicles assigned to Investigators.

1. All Sheriff's Office personnel shall exercise good judgment and due care in the operation of Sheriff's Office vehicles. In normal (non-emergency) operations, personnel shall strictly adhere to traffic laws and shall drive defensively in a safe and courteous manner.
2. Sheriff's Office vehicles shall be driven only within the geographic limits of the Hendry County, except when conducting an investigation that may lead to other jurisdictions or the Investigator resides outside the county. When a follow up needs to be conducted outside of our jurisdiction an Investigator must let the immediate supervisor know that he/she will be in another county.
3. Sheriff's Office vehicles shall not be used for the purpose of escorting private citizens to medical facilities.
4. Unmarked Sheriff's Office vehicles operated by non-uniformed personnel shall not be used to enforce minor traffic infractions or to affect traffic stops, unless the continued operation of the subject vehicle creates a danger to persons or property.
- 5.

***The Trainee acknowledges his/her thorough understanding and application on the instruction, Department Vehicles, Training Brief Number T12.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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## **Hendry County Sheriff's Office**

### **TRAINING BRIEF**

**TOPIC: EMBEZZLEMENT**

**Number T13**

**OBJECTIVE:** The following material shall be discussed with the Trainee Investigator to ensure a complete understanding cases related to embezzlement.

There was no crime of embezzlement under the Common Law. It is a statutory crime that evolved from larceny. Whereas larceny requires a felonious trespassery taking of property at the outset, embezzlement is a wrongful appropriation subsequent to an originally lawful taking. Embezzlement is therefore, a modification of larceny designed to cover certain fraudulent acts that do not come within its scope. Although they are mutually exclusive crimes, larceny and embezzlement do overlap slightly under statutes in some states.

Embezzlement was created by the English legislature, which designated specific persons who might be liable for the offense. These were essentially persons entrusted with another property, such as agents, attorneys, bankers, and corporate officers.

The English definition of the offense is followed in the United States. Statutes do not usually list the persons who might be liable but, instead, generally describe the offender as a person entrusted with, or in possession of, another property.

Statutes governing the offense vary widely throughout the states. To determine exactly what elements comprise the offense, it is necessary to examine the particular statute applicable.

Elements common to embezzlement are as follows:

1. The property must belong to a person other than the accused, such as an employer or principal;
2. The property must be converted subsequent to the defendant's original and lawful possession of it;
3. The defendant must be in a position of trust, so that the property is held by him/her pursuant to some fiduciary duty; and
4. The defendant must have intent to defraud the owner at the time of the conversion.

## **Ownership**

The principal or employer must be the owner of the property embezzled by an agent or employee at the time the offense is committed. Under many statutes, the ownership requirement is expressed as the property of another. It is sufficient if any person, other than the defendant, owns the property and it does not matter who has title to it or that it is owned by more than one person.

Jurisdictions differ on the question of whether a person can embezzle funds belonging to a spouse. In states that retain the spousal privilege, a person can be prevented from testifying to a crime against a spouse; therefore, spousal embezzlement will not be prosecuted.

Unless a statute provides otherwise, co-owners of property, such as joint tenants or tenants in common, cannot be guilty of the offense with respect to the property that is jointly owned. A co-owner who wrongfully transfers jointly owned property converts his/her own property as opposed to that of another; therefore, there is no conversion. If a person has any interest in property held jointly with another, the person cannot be convicted of the offense relating to that property. For example, a co-owner of an automobile cannot be guilty of embezzling it if both owners have an equal right to possession. A number of states, however, have statutes punishing embezzlement by co-owners, such as partners who wrongfully convey partnership assets.

In most states, an agent authorized to collect money for his/her principal and to keep a certain amount as commission is guilty of embezzlement if he/she wrongfully transfers the entire sum collected.

### **Possession or Custody of Property**

Possession or custody of property possession is the essential element for distinguishing between embezzlement and larceny. While larceny requires that the thief take the property out of the victim's possession, the person must lawfully possess the property at the time that it is converted for embezzlement.

It is not necessary for the defendant to have physical or exclusive possession. It is sufficient if the person has constructive possession, a form of possession that is not actual but that gives the holder power to exercise control over the property either directly or through another person. Alternatively, mere custody is insufficient for embezzlement. If a master puts a servant in charge of property for purposes of guarding or caring for it, the master is considered to have constructive possession of such property while the servant has mere custody. A servant who wrongfully converts property over which he/she has custody may be guilty of larceny but not embezzlement.

The fact that an accused person lawfully receives property at different times will not negate an embezzlement charge provided all other elements of the offense are met.

### **Trust Relationship**

Since the offense is aimed at punishing persons who convert property for their own use when in possession is lawfully acquired, prosecution is limited to instances where the parties are in a fiduciary or trust relationship.

The fact that an accused person lawfully receives property at different times will not negate an embezzlement charge provided all other elements of the offense are met.

Generally, a debtor and a creditor, or an agent and a broker, do not have a fiduciary relationship sufficient for the offense. There must be some further indication that one person has a duty to care for and exert some control over the others property. The most common type of trust relationships are those existing among corporate officers, partners, employers and their employees.

### **Conversion**

Conversion is an act that interferes with an owner's right of possession to his/her property. For purposes of embezzlement, conversion involves an unauthorized assumption of the right of ownership over another's property. It may, for example, occur when a person is entrusted with property for one purpose and uses it for another purpose without the consent of the owner. Generally, any type of conversion that occurs after a person obtains lawful possession of property is sufficient.

Although a failure to return property is evidence of conversion, it does not necessarily constitute embezzlement—absent proof of criminal intent. However, if a statute imposes an absolute duty to return property, the failure to do so is embezzlement, provided all other elements are met.

In certain circumstances, a demand is required before a person can claim that his/her property has been converted. Usually, no demand is required if it would be futile, such as when an accused has fled the jurisdiction with the property. If, however, there is no definite time specified for the return of the property,

a demand might be necessary. The demand is merely a request that the wrongdoer to return the property. The request does not have to be formal and there is no requirement that the word demand be used.

When an agent is given authority to sell property and thereafter converts the proceeds of the sale, he/she is guilty of embezzlement of the proceeds, as distinguished from the property sold. A person with authority to cash a check but who converts the cash is, likewise, guilty of embezzlement of the cash and not of the check. The person might however be guilty of embezzling the check if at the time of cashing it; the person has a fraudulent intent to convert it.

## **Intent**

Intent in a majority of jurisdictions, a fraudulent intent to deprive the owner of his/her property is necessary for embezzlement. It is characterized as intent to willfully and corruptly use or misapply another's property for purposes other than those for which the property is held. The defendant's motive is not relevant to the intent element.

Although it is not essential that the intent exist at the time possession is first taken, it must be formed at the time the property is converted. The offense is not committed if there is an intent to return the specific property taken within a reasonable period of time. If, however, there is a fraudulent intent at the time the property is converted, a subsequently formed intent to return the property will not excuse the crime. An offer to restore the property will not bar a prosecution for embezzlement. Some courts have held, however, that an offer of restoration can be considered on the question of intent.

A person who believes that the property to be transferred is his/hers is considered to act pursuant to a claim of right. The possibility that the belief is mistaken or unreasonable is not important. If one has a Good Faith belief that one has a right to withhold property or devote it to one's own use, the conversion cannot be fraudulent and there is no embezzlement.

The validity of a claim of right is a question of fact determined from circumstantial evidence. It is not sufficient if the person merely states he/she acted honestly. If circumstances exist that there was a willful and knowingly wrongful taking, a claim of right defense will not succeed.

## Persons Liable

One or more persons may be guilty of embezzlement. If there is a conspiracy to embezzle, parties to the agreement are liable as principals. A person who aids and abets in the conversion can also be guilty of the offense.

## Punishment

Since the offense is defined differently in several jurisdictions, the punishment for embezzlement can vary. Generally, the penalty is a fine, imprisonment or both.

Some states distinguish between grand embezzlement and petit embezzlement on the basis of the value of the property stolen. The former involves property of a greater value and is punishable as a felony, while the latter involves property of a lesser value and is punishable as a misdemeanor.

***The Trainee acknowledges his/her thorough understanding and application on the instruction,  
Embezzlement, Training Brief Number T13.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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## TRAINING BRIEF

## Number T14

**RADIO CODE: SIGNAL 46**

**INSTRUCTION:** The following material shall be discussed with the Trainee to ensure a complete understanding of the Hendry County Sheriff's Office policy, procedures, and methods used, when responding to a fraud/forgery investigation.

### DEFINITIONS:

Forgery: Is defined as the act of falsely making, altering, or imitating (as a document or signature) with intent to defraud.

Fraud: Is defined as any act, expression, omission, or concealment calculated to deceive another to his/her disadvantage; or a misrepresentation or concealment with reference to some fact material to a transaction that is made with knowledge of its falsity or in reckless disregard of its truth or falsity and with the intent to deceive another and that is reasonably relied on by the other who is injured thereby.

Uttering a False Instrument: Defined as publishing or presenting an instrument/document that is false, forged or altered to be true with the intent to injure or defraud any person.

Larceny: Is defined as the unlawful taking and carrying away of personal property with the intent to deprive the rightful owner of it temporarily or permanently. If the value of the property is under \$300 it is a misdemeanor and over \$300 makes it a felony. Embezzlement falls under the larceny statute in the State of Florida.

Criminal Identification Theft: Is defined as any person who willfully and without authorization fraudulently uses or possesses with intent to fraudulently use, personal identification information concerning an individual without first obtain that individuals consent.

## **Procedure**

The responding Road Patrol Deputy will complete the initial report on most fraud/forgery investigations. The initial report should include the identity of the victim and any business associated with the fraud. The narrative should explain the details of the incident. The initial deputy should obtain copies of any pertinent documents that are needed in this investigation to include but not limited to bank statements, letters from the IRS, copies of checks, etc.

Once an Investigator is assigned to the fraud/forgery investigation, he/she is to review the initial report and investigation and determine what type of fraud/forgery was committed. Once the type of fraud is identified,



proceed with the proper and necessary steps to complete a thorough and complete investigation into the complaint.

## **Types of Fraud/Forgery**

### **Financial Institute Fraud**

1. Check Fraud
2. Altering Checks
3. Writing Checks on Closed Accounts
4. Forging a Victim's Signature on Stolen Checks
5. Debit Card and/or Credit Card Fraud
6. Worthless Checks

### **Internal Revenue Fraud**

1. Filing taxes in someone else's name with intent to defraud.
2. Using someone else's Social Security number for employment.

### **Internet Fraud or Scam**

Various Internet scams used to defraud people.

### **Insurance Fraud**

1. Life Insurance
  - A. Forgery of Signatures

### **Vehicle Insurance**

1. Arson
2. Reporting False Traffic Crashes
3. Medical Insurance
4. False Insurance Claims
5. Insurance Claims on a Deceased Person
6. Forgery of Signatures

### **Vehicle Fraud**

1. Altering VIN Numbers
2. Arson

### 3. Fictitious Theft Complaints

#### **Response:**

#### **Financial Fraud:**

1. Send Preservation Letter to companies involved in the case to preserve any evidence to include surveillance video and documents.
2. Obtain Subpoenas for bank transactions, surveillance video and account information such as names on account, addresses associated with account and signature cards.
3. Obtain a copy of any checks or banks statements.
4. Obtain a business records certification for surveillance video and any documents obtained from the bank.
5. If the bank reimburses the victim or account holder, the bank becomes the victim, therefore a desire to prosecute needs to be obtained from the bank or a representative.
6. If any transactions were completed via the Internet, try to obtain the IP address that the transaction was made from to include the date and time of the transaction.

#### **Internal Revenue Fraud**

#### **There are two acceptable ways to handle these types of investigations.**

1. Make contact with the victim and refer them to the IRS Identity Protection Specialized Unit at 1-800-908-4490 or make contact with the victim and investigate the crime locally.
2. Have victim complete IRS form 8821-A.
3. Return completed form to the IRS for service.
4. Once the IRS releases the documents from the fraudulent return, attempt to identify the IP address the return was submitted.
5. Also attempt to identify the location the check was sent to or the bank information that the money was routed to.
6. Complete necessary subpoenas and or search warrants.
7. If a suspect is identified make contact with suspect if in your jurisdiction or forward the case to the appropriate jurisdiction for a follow up investigation.
8. Collect any physical evidence linked to the crime. (i.e. computers used to transmit the fraudulent return)
9. Send off evidence to be evaluated.
10. Make an arrest if probable cause is established.

### **Internet Fraud/Scams:**

1. Attempt to identify the suspect and determine jurisdiction.
2. If the crime is solely Internet based and crosses state jurisdictions, refer the victim to the IC3.gov website to register a complaint with the White Collar Crime Bureau and FBI.
3. Close case by forwarding it to the IC3.gov.

### **Vehicle Fraud:**

1. Utilize the Nation Insurance Crime Bureau to assist in your investigation. They can assist with the following:
  - A. Past insurance claims
  - B. Location of hidden VIN numbers
  - C. Cross reference part numbers to VIN of vehicles
2. If the vehicle was set on fire, make contact with the State Fire Marshal Investigator and discuss your findings and work together on the case.
3. Make contact with the victim/complainant. Be mindful that they may also be your suspects.
4. Subpoena cell phone tower site information for the victim to determine if they were anywhere near the location where the vehicle was found.
5. Interview victims/suspects
  - A. Determine an alibis for them
  - B. Obtain vehicle information such as mileage, mechanical condition of the vehicle, etc.
6. State Fire Marshal Investigator will process any and all evidence collected from the crime scene.
7. Make contact with the Insurance Company. They can provide you with additional information and to determine if there are any financial motives.

These are general guidelines for these kinds of investigations. Each fraud/forgery investigation is unique; therefore the approach to each investigation may be slightly different. In the end, try to answer the common questions of: Who, what, where, when, how and why.

### **FORMS:**

1. Incident Offense Report
2. Arrest/Probable Cause forms (as applicable)
3. Victim/Witness Information Form
4. Business Records Certification
5. Subpoena's and Search Warrants

**SUPERVISOR SECTION:**

Monitor the call closely. Ensure that the Investigator follows proper procedures.

**REFERENCES:**

F.S.S. 817  
831  
812

***The Trainee acknowledges his/her thorough understanding and application on the instruction,  
Forgery/Fraud, Training Brief Number T14.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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**Hendry County Sheriff's Office**

## TRAINING BRIEF

**TOPIC: DEATH INVESTIGATION**

**Number T15**

**RADIO CODE: SIGNAL 7**

**OBJECTIVE:** To instruct the Trainee on the various policies and procedures and methods used, when responding to a Death Investigation.

**Purpose:** The purpose of this Standard Operating Procedure is to establish guidelines for the investigation of death cases by the Hendry County Sheriff's Office.

1. **Scope:** This Standard Operating Procedure shall apply to personnel assigned to investigate death cases, both preliminary and investigative.
2. **Discussion:** The guidelines set forth in this Standard Operating Procedure shall be used under various circumstances during death investigations. The investigation will not be limited to these guidelines. The originating Deputy or Investigator shall take all steps, which are reasonable and prudent to bring the investigation to a successful conclusion.

### DEFINITIONS

1. **NATURAL DEATH:** Any death case in which the death is of natural causes and the decedent's attending physician will sign the death certificate.
2. **HOSPICE CASE** A case in which the deceased is terminally ill and expected to die and the attending physician(s) has prepared a letter stating that he/she will sign the death certificate and funeral home arrangements have been prearranged.
3. **MEDICAL EXAMINER CASE:** Any death case in which the attending physician is not available or refuses to sign the death certificate and/or any death case, which is not natural or foul play is suspected. (i.e. Homicide, Suicide and Manslaughter)

### Procedure:

Investigative procedures to be followed by the original Deputy at the scene:

1. Determine if the death is natural. If the death appears to be natural, the Deputy shall:
  - A. Check the body for bruises or signs of foul play.
  - B. Contact the attending physician and ask if he/she will sign the death certificate and ask

- what will be listed as the cause of death.
- C. Make all efforts to notify victim's next of kin.
  - D. Have photographs taken if necessary.
  - E. Impound any medication being taken from the victim.
    - i. All medications will be listed on a Property Receipt and marked for destruction.
    - ii. If the deceased is going to be transported to the ME's office, the medications will accompany the deceased with the ME.
  - F. Assist the victim's family in contacting the funeral home to take custody of the victim's body.
  - G. Remain at the scene until the victim has been removed.
  - H. Conduct a FCIC/NCIC check on the victim for any outstanding warrants. If warrants are discovered, request that the Telecommunication Section notify the Civil/Warrants Division.
  - I. Notify immediate Supervisor of the facts surrounding the death case.
  - J. CID Lieutenant and Medical Examiner's Office shall be notified of all death situations. (Natural causes included)

\* Document in the Incident-Offense Report, the name of the doctor signing the death certificate, the cause of death, the name, date, time, and next of kin notified. \* If the case appears to be a natural death but the attending physician cannot be contacted or refused to sign the death certificate, the case shall become a Medical Examiner's case.

### **The Medical Examiner's Office shall be contacted**

1. Under Florida Law, the private physician is required to sign a death certificate if he/she can list the cause of death to the best of his/her knowledge. (These types of cases should be discussed by the private physician and the Medical Examiner's Office)
2. When the deceased is temporarily living or visiting in Hendry County and does not have an extensive medical history along with a private physician from their home area, the Medical Examiner's Office will accept the decedent.
3. The same steps should be followed as listed for a natural death.
4. In cases where the death is natural and the family requests an autopsy; hospitals may perform an autopsy with permission and at the expense of the next of kin.
5. **If the death is suspicious**, the responding deputy shall immediately notify a Supervisor.

6. Supervisor will request the on-call Investigator respond by contacting the HCSO Telecommunications Section. The on-call Investigator will notify the CID Lieutenant who will notify the Captain who will in turn notify the Chief Deputy.
7. The scene shall be secured and the area roped/taped off.
8. A Crime Scene Log shall immediately be started and maintained. The Log will be turned over to the lead Investigator at the termination of Crime Scene procedures.
9. **If the case is a homicide**, the following shall immediately be notified for response:
  - A. State Attorney's Office
  - B. Medical Examiner's Office
  - C. CID Lieutenant, Captain and Chief Deputy.
  - D. All witnesses will be detained and separated.
10. **Procedures to be followed by Road Patrol Supervisor:**
  - A. Determine if the death is natural. If the death is natural, the Supervisor shall:
    - i. Review the Incident/Offense to make sure that the first responding deputy has done a complete and accurate investigation making notations for who was contacted, the attending physician's name, who will sign the death certificate, next of kin and FCIC/NCIC checks. This may not be all that needs to be documented for the report; care should be taken to finish the reporting as completely as possible.
    - ii. If all the items listed in above are present and no crime has been found to have been committed, the Supervisor should mark the report "Exceptionally Cleared" and route a copy to CID for information.
    - iii. If the death appears natural but the attending physician cannot be contacted or refuses to sign the death certificate, the Supervisor should instruct the deputy to call the Medical Examiner's Office and refer the case to that agency.
    - iv. **If the death is suspicious**, the Supervisor shall insure that the CID Lieutenant and other units, as outlined above, are notified for immediate response.
    - v. **If the death is a homicide**, the Supervisor shall insure that the on-call Investigator immediately responds and the necessary notifications are made for response.
    - vi. Insure that the deputy on the scene has rendered any aid that is needed then secures the crime scene, protects evidence, detains and separates witnesses, maintains order, and insures that the proper paperwork is started to document the scene.
    - vii. **In the case of a Hospice death**, the deputy should respond and follow the "Natural Death" protocol until sure that the death is not suspicious. The arrangements have, in most cases, been prearranged and the funeral home will be contacted by the Hospice personnel.
    - viii. The responding deputy will assist family with any arrangements that have not been made.

***The Trainee acknowledges his/her thorough understanding and application on the instruction, Death Investigation, Training Brief Number T15.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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## **Hendry County Sheriff's Office**

### **TRAINING BRIEF**

**TOPIC:** PAWN SHOPS/SCRAP METAL  
RECYCLERS/ SECONDHAND DEALERS

Number **T16**

**RADIO CODE:** SIGNAL 33 or SIGNAL 21

**OBJECTIVE:** To develop an understanding of Pawn shops/Scrap Metal Recyclers/ Secondhand Dealers and the role of the Deputy/Investigator as it pertains to such.

**FORMS:**

1. Incident Offense Report
2. Arrest/Probable Cause forms (as applicable)
3. Victim/Witness Information Form
4. Law Enforcement Hold Form
5. Writ of Replevin Information Form

**SUPERVISOR SECTION:**

Monitor the call closely. Ensure that the Investigator follows proper procedures.

**REFERENCES:**

- F.S.S. 538 (Secondhand Dealers and Secondary Metals Recyclers)  
F.S.S. 539 (Pawnbroking)

***The Trainee acknowledges his/her thorough understanding and application on the instruction, Pawn Shops/Scrap Metal Recyclers/Secondhand Dealers, Training Brief Number T16.***

**Trainee:** Do NOT sign this Training Brief, until you fully understand the material.

Signature of Trainee: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of F.T.O.: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

Comments by F.T.O.

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